IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 649 OF 2007

Ilias Badshah Shaikh .... Petitioner

versus

Sangli Miraj & Kupwada City
Municip[al Corporation ..... Respondent.

Shri Vaibhav A.Sugdane for the petitioner
Mr. Rupesh Bobde i/b Mr. Umesh Mankapure for respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 4TH JULY, 2007

P.C.;

1. The petitioner was carrying on a business of manufacture of'Chirmure' by running' Chirmure Bhatti'. According to the plaintiff, he is carrying on the said busienss at the said place for the last about 20 years. The petitioner also claims that he is in possession of a certificate issued by Pollusion Control Authority. The respondent lodged a complaint with the Corporation in regard to causing of nuisance by operation of the said Bhatti by the petitioner. The Corporation issued a notice under section 376-A of the B.P.M.Act. After issuing the notice, the premises came to be sealed. Supressing this fact, the petitioner instituted a suit and moved an application

Exh.5 claiming temporary injuction against the Corporation from obstructing the business of the plaintiff. The trial court so also the first Appelalte Court have found that the petitioner/plaintiff has failed to make out a primafacie case and being further of the view that the petitioner is not coming before the court with clean hands, has rejected the temoporary injunction application. Being aggrieved the petitioner has moved this court by filing the instant writ petition.

4. Perused the impugned order. The same does not call for any interference. However the learned counsel for the petitioner submits that the petitioner has now taken all the precautions so that no nuisance could be caused. The learned counsel further submits that the persons who had loged the complaint with the Corporation have already withdrawn the complaint. Thus the petitioner submits that the petitioner is desirous of moving the Corporation making an appropriate representation. The petitioner is permitted to make appropriate representation and the respondent shall consider the said representation take an appropriate decision. The petitioner is also permitted to substantiate the representation by placing relevant document on record, in support thereof. With these observations the writ petition is

disposed of. The petitioner shall make the representation within two weeks from today and the Corporation shall take a decision thereof within a period of six weeks from the date of receipt of the representation.

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